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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,845	02/11/2004	Ronald R. Woller	8S08.1-190	3025

23506 7590 07/11/2005

GARDNER GROFF, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,845

Applicant(s)

WOLLER ET AL.

Examiner

Hugh B. Thompson II

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: 4 sheets of definitions.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 4 and 12, it is unclear as to how the claims further limit the “rigid” recitations of claims 1 and 8, respectively. What is the difference between “rigid” and “substantially rigid”? It would appear that the phrase “substantially rigid” is something less than rigid.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17, 19, and 20, are rejected under 35 U.S.C. 102(b) as being anticipated by Woller #5,971,104. Woller, as recited in column 7, lines 26-47, discloses a pair of foot engaging members/straps (stirrups) 96, secured to support members 74 of platform 26 by means of fasteners, the straps having a curved configuration depending toward the platform 26, the straps also being made of stiff/*rigid* materials causing them to stand up and fabricated from synthetic polymers, i.e., a wide array of plastics.

Response to Arguments

Applicant's arguments filed in the Amendment of 6-27-05 have been fully considered but they are not persuasive. The applicants' attention is drawn to the attached definitions of stiff, rigid, and synthetic polymers. Woller, as recited in column 7, lines 41-47, clearly states that the stirrups/straps 96 are made of synthetic polymers, not limited to, i.e., nylon, having a certain "stiffness that causes the strap to stand up..." Webster's 10th edition, among other definitions, defines the term "stiff" as synonymous with the term "rigid". The term "rigid", among other definitions, is defined as "appearing stiff..." Further, synthetic polymers, as defined by "Wikipedia", an on-line encyclopedia, are plastics that include, amongst other types, molded plastics such as PVC. As such, the addition of the term "rigid" to the independent claims, fails to further distinguish the instant invention from Woller-104. The applicants' clearly attempt to define the foot-engaging member of the instant invention over Woller-104 by reciting a material property versus a structural limitation such as *"a curved member pivotally attached to a support member that receives and secures a foot of a user thereof in a locked or use position."* Absent additional claim language drawn to the structure of the stirrup relative to the platform, the Woller-104 reference "reads-on" the claim language as amended.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

July 6, 2005

Synthetic polymer

From Wikipedia, the free encyclopedia.

Synthetic polymers are often referred to as "plastics", such as the well-known polyethylene and nylon. However, most of them can be classified in at least three main categories: thermoplastics, thermosets and elastomers.

Man-made polymers are used in a bewildering array of applications: food packaging, films, fibers, tubing, pipes, etc. The personal care industry also uses polymers to aid in texture of products, binding, and moisture retention (e.g. in hair gel and conditioners).

Examples

A non-exhaustive list of these ubiquitous materials includes:

- acrylonitrile butadiene styrene (ABS)
- polyamide (PA)
- polybutadiene
- poly(butylene terephthalate) (PBT)
- polycarbonate (PC)
- poly(ether sulphone) (PES, PES/PEES)
- poly(ether ether ketone)s (PEEK, PES/PEEK)
- polyethylene (PE)
- poly(ethylene glycol) (PEG)
- poly(ethylene terephthalate) (PET)
- polyimide
- polypropylene (PP)
- polytetrafluoroethylene (PTFE)
- polystyrene (PS)
- styrene acrylonitrile (SAN)
- poly(trimethylene terephthalate) (PTT)
- polyurethane (PU)
- polyvinylchloride (PVC)
- polyvinylidenedifluoride (PVDF)
- poly(vinyl pyrrolidone) (PVP)

Brand names

These polymers are often better known through their brand names, for instance:

- Kevlar
- Kynar, e.g. PVDF
- Mylar, e.g. polyethylene terephthalate
- Nylon, e.g. polyamide 6,6
- Rilsan, e.g. polyamide 11 & 12
- Teflon, e.g. PTFE
- Ultem, e.g. polyimide
- Vectran
- Viton
- Zylon

Retrieved from "http://en.wikipedia.org/wiki/Synthetic_polymer"

Categories: Polymers

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lding) 4 a: any
origin, or use, as
ting the elevator
ile b: STICKFUL
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10: a piece of
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13 a: punish-
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Brit: CRITICISM

2: to provide a
E stician; akin to
stizein (to tattoo)
STAB b: to kill
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: to put or set in
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nera Lap-
fruit

stick shift *n* (1959): a manually operated gearshift for a motor vehicle
stick-mounted on the floor
stick-tight *\stik-tit/* *n* (ca. 1884): EUR MARIGOLD
stick-to-it-ive-ness *\stik-tu-iv-nas/* *n* [fr. the phrase *stick to it*]
(1867): dogged perseverance: TENACITY
stick-um *\sti-kam/* *n* [stick + -um (prob. alter. of *em* (them))] (ca.
1909): a substance that adheres or causes adhesion
stick-up *\stik-ap/* *n* (1904): a robbery at gunpoint: HOLDUP
stick-up *vi* (15c): to stand upright or on end: PROTRUDE ~ *vi*: to
stick at gunpoint — stick up for: to speak or act in defense of: SUP-
PORT

stick-weed *\stik-wed/* *n* (1743): any of several plants (as a beggar's-
lice) with adhesive seeds
stick-work *\stik-werk/* *n* (1903): the use of one's stick in offensive and
defensive techniques (as in hockey)

stick-y *\sti-ke/* *adj* stick-i-er, -est (ca. 1735) 1 a: ADHESIVE b: (1)
VISCIOUS, GLUEY (2): coated with a sticky substance 2: HUMID,
MUGGY; also: CLAMMY 3: tending to stick 4 a: DISAGREEABLE,
UNPLEASANT b: AWKWARD, STIFF c: DIFFICULT, PROBLEMATIC 5: ex-
cessively sentimental: CLOYING — stick-i-ly *\sti-ke-le/* *adv* — stick-
i-ness *\sti-ke-nas/* *n*

sticky wicket *n* (1926): a difficult or delicate problem or situation
stick-shin *\stik-shan/* *n* [static + friction] (1946): the force required to
cause one body in contact with another to begin to move

stiff *\stif/* *adj* [ME *stif*; fr. OE *stif*; akin to MD *stiff* stiff, L *stipare* to
press together, Gk *stiphein* to tread on] (bef. 12c) 1 a: not easily
bent: RIGID b: lacking in suppleness or responsiveness (~ muscles)
impeded movement — used of a mechanism d: DRUNK la: (2)
a: FIRM, RESOLUTE b: STUBBORN, UNYIELDING c: PROUD d: (1)
marked by reserve or decorum (2): lacking in ease or grace
STILTED 3: hard fought: PUGNACIOUS, SHARP 4 a: (1) exerting
great force (a ~ wind) (2): FORCEFUL, VIGOROUS b: POTENT (a ~
dose) 5: of a dense or glutinous consistency: THICK 6 a: HARSH,
SEVERE (a ~ penalty) b: ARDUOUS, RUGGED (~ terrain) 7: not easily
healed over by an external force (as the wind) (a ~ ship) 8: EX-
PENSIVE, STEEP (paid a ~ price) — stiff-ish *\sti-fish/* *adj* — stiff-ly
adv — stiff-ness *n*

stiff *vi* (19c): to become stiff or stiffen
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stille *n* [prob. fr. D *stijl* post] (1678): one of the vertical members in a
frame or panel into which the secondary members are fitted

stiletto *\sti-le-to/* *n*, pl. -tos or -toes [It. dim. of *stilo* stylus, dag-
ger; fr. L *stilus* stylus — more at STYLE] (1611) 1: a slender dagger
with a blade thick in proportion to its breadth 2: a pointed instru-
ment for piercing holes for eyelets or embroidery 3: STILETTO HEEL

stiletto heel *n* (1953): a high thin heel on women's shoes that is nar-
rower than a spike heel

still *\stil/* *adj* [ME *stille*; fr. OE; akin to OHG *stilli* still and perh. to
OE *steall* stall — more at STALL] (bef. 12c) 1 a: devoid of or abstain-
ing from motion b: archaic: SEDENTARY, c: not effervescent (~ wine)
d (1): of, relating to, or being a static photograph as contrasted with
a motion picture (2): designed for taking still photographs (a ~
camera) (3): engaged in taking still photographs (a ~ photographer)
2 a: uttering no sound: QUIET b: SUBDUED, MUTED 3 a: CALM,
TRANQUIL b: free from noise or turbulence — still-ness *n*

still *vi* (bef. 12c): to become motionless or silent: QUIET ~ *vi* 1 a
: ALLAY, CALM b: to put an end to: SETTLE 2: to arrest the motion
of 3: SILENCE

still *adv* (bef. 12c) 1: without motion (sit ~) 2 archaic a: AL-
WAYS, CONTINUALLY b: in a progressive manner: INCREASINGLY 3: ~
used as a function word to indicate the continuance of an action or
condition (~ lives there) (drink it while it's ~ hot) 4: in spite of that
: NEVERTHELESS (those who take the greatest care ~ make mistakes) 5
a: EVEN 2c (a ~ more difficult problem) b: YET 1a

still *n* (13c) 1: QUIET, SILENCE 2: a static photograph; specif.: a
photograph of actors or scenes of a motion picture for publicity or
documentary purposes

still *vb* [ME *stiller*, short for *distillen* to distill] (13c): DISTILL
still *n* (1533) 1: DISTILLERY 2: apparatus used in distillation, com-
prising either the chamber in which the vaporization is carried out, or
the entire equipment

still alarm *n* (1875): a fire alarm transmitted (as by telephone call)
without sounding the signal apparatus
still and all *adv* (1829): NEVERTHELESS, STILL

still-birth *\stil-borth/*, -birth *n* (1785): the birth of a dead fetus
still-born *\stil-born/* *adj* (1593) 1: dead at birth 2: failing from the
start 3: ABORTIVE (a ~ venture) — still-born *\stil-born/* *n*

still-hunt *\stil-hant/* *vi* (1858): to ambush or stalk a quarry; esp.: to
pursue game noiselessly usu. without a dog ~ *vi*: to lie in wait for
: approach by stealth

still hunt *n* (1828): a quiet pursuing or ambushing of game
still life *n*, pl. still lifes (1695) 1: a picture consisting predominantly
of inanimate objects 2: the category of graphic arts concerned with
inanimate subject matter

still-man *\stil-man/* *n* (ca. 1864): one who owns or operates a still
still-room *\stil-rum/*, -room *n* [still] (ca. 1710): a room con-
nected with the kitchen where liquors; preserves, and cakes are kept
and beverages (as tea) are prepared

still water *n* (1832): a part of a stream where no current is visible
still-ly *\stil-le/* *adv* (bef. 12c) 1: in a calm manner: QUIETLY
still *\sti-le/* *adj* [still + -ly] (1776): STILL, QUIET

stilt *\stil/* *n* [ME *stille*; akin to OHG *stetza* stilt] (15c) 1 a: one of
two poles each with a rest or strap for the foot used to elevate the
wearer above the ground in walking b: a pile or post serving as one
of the supports of a structure above ground or water level 2: pl. also
stilt: any of various notably long-legged, 3-toed shorebirds (genera
Himantopus and *Cladorhynchus*) that are related to the avocets, fre-
quent inland ponds and marshes, and nest in small colonies

stilt *vi* (1649): to raise on or as if on stilts
stilted *\stil-ted/* *adj* (1820) 1 a: POMPOUS, LOFTY b: FORMAL, STIFF
2: having the curve beginning at some distance above the impost (a ~
arch) — stilt-ed-ly *adv* — stilt-ed-ness *n*

stilt-ton *\stil-ton/* *n* [Stilton, Huntingdonshire, England] (1826): a
blue-veined cheese with wrinkled rind made of whole cows' milk
enriched with cream

stime *\stim/* *n* [ME (northern dial.)] (14c) chiefly Scot. & Irish: OLIM-
MER; also: GLIMPSE

stim-u-lant *\stim-yo-lant/* *n* (ca. 1728) 1: an agent (as a drug) that
produces a temporary increase of the functional activity or efficiency of
an organism or any of its parts 2: STIMULUS 3: an alcoholic bever-
age — not used technically — stimulant *adj*

stim-u-late *\lat/* *vb* -lat-ed; -lat-ing [L *stimulus*, pp. of *stimulare*,
fr. *stimulus* goad; perh. akin to L *stilus* stem, stylus — more at STYLE] *vi*
(1619) 1: to excite to activity or growth or to greater activity: ANI-
MATE, AROUSE 2 a: to function as a physiological stimulus to b: to
arouse or affect by a stimulant (as a drug) ~ *vi*: to act as a stimulant
or stimulus *syn* see PROVOKE — stim-u-la-tion *\stim-yo-la-shan/* *n*
— stim-u-la-tive *\stim-yo-la-tiv/* *adj* — stim-u-la-tor *\la-tor/* *n*
— stim-u-la-to-ry *\la-tor-ē, -tōr-ē/* *adj*

stim-u-lus *\stim-yo-las/* *n*, pl. -li -li, -la [L] (1684): something that
rouses or incites to activity as a: INCENTIVE b: STIMULANT c: an
agent (as an environmental change) that directly influences the activity
of a living organism or one of its parts (as by exciting a sensory organ
or evoking muscular contraction or glandular secretion)

sting *\sting/* *vb* -stung *\stang/*; sting-ing *\sting-ing/* [ME; fr. OE *stingan*;
akin to ON *stinga* to sting and prob. to Gk *stachys* spike of grain; *stioch*
target, aim] *vi* (bef. 12c) 1: to prick painfully; as a: to pierce
or wound with a poisonous or irritating process b: to affect with
sharp quick pain or smart (hail stung their faces) 2: to cause to suffer
acutely (stung with remorse) 3: OVERCHARGE, CHEAT ~ *vi* 1: to
wound one with or as if with a sting 2: to feel a keen burning pain or
smart; also: to cause such pain — sting-ing-ly *\sting-le/* *adv*

sting *n* (bef. 12c) 1 a: the act of stinging; specif.: the thrust of a
stinger into the flesh b: a wound or pain caused by or as if by sting-
ing 2: STINGER 3: a sharp or stinging element, force, or quality 4

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